

November 13, 2008

E-19J

Cheryl Martin
FHWA, Environmental Engineer
Galtier Plaza
380 Jackson St., Suite 500
St. Paul, MN 55101

RE: Comments on the US 14 from Owatonna to Dodge Center Draft Environmental Impact Statement (DEIS) and Draft Section 4(f) Evaluation located in Steele and Dodge Counties, Minnesota, CEQ #20080391

Dear Ms. Martin:

In accordance with Section 309 of the Clean Air Act and the National Environmental Policy Act (NEPA), the U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) and Draft Section 4(f) Evaluation, issued by the Federal Highway Administration (FHWA), for the project listed above.

The project proposes to improve approximately 19 miles of Highway 14. The proposed improvements include the construction of a four-lane divided, full access-controlled freeway between the project termini. This project seeks to implement the continuation of the Highway 14 corridor from Mankato to Rochester as established in previous planning studies.

In the document, three alternatives are presented. Alternative 1 is the no action alternative. Alternative 2 improves existing alignment. Alternative 3 improves existing alignment and includes some new alignment as well. Alternative 3 also includes the Claremont bypass options 2 and 4. A preferred alternative is not identified in the document.

EPA rates the DEIS, Alternatives 2 and 3, and the Claremont Bypass Options 2 and 4 as EC-2 (Environmental Concerns-Insufficient information). Overall, the document was presented in an organized and clear manner. In general, as stated in the DEIS in several sections, once the preferred alternative is chosen, we will expect to see more detailed information concerning water quality, historic preservation, etc., in the Final Environmental Impact Statement (FEIS). However, we have specific comments about interchanges, land use, noise, tree mitigation, and wetlands. Those comments are provided in the enclosure entitled, "EPA detailed comments on US 14 from Owatonna to Dodge Center DEIS and Draft Section 4(f) Evaluation."

If you have any questions regarding EPA's comments, please contact Ms. Julia Guenther at (312) 886-3172 or email her at [guenther.julia @epa.gov](mailto:guenther.julia@epa.gov).

Sincerely,

/s/

Kenneth A. Westlake
Supervisor, NEPA Implementation
Office of Enforcement and Compliance Assurance

cc: Richard Augustin, MN/DOT-District 6 Office, Project Manager, 2900 48th Street NW,
Rochester, MN 55901

Enclosures: (1) U.S. EPA detailed comments on US 14 from Owatonna to Dodge Center
DEIS and Draft Section 4(f) Evaluation
(2) Summary of Rating Definitions and Follow-Up Action

Interchanges

In alternatives 2 and 3, do the impacts represented in the DEIS include the entire new alignment for CR 59 that is a part of Interchange Option 1? If not, all impacts associated with that new alignment should be included in all (i.e. water, stormwater, wetlands, trees, etc.) of the impacts and clarified in the discussion presented in the FEIS.

Land Use and Indirect Impacts

The city of Claremont, FHWA and the Minnesota Department of Transportation (Mn/DOT) are considering two options for a bypass around the city. The DEIS indicates that Option 2 would involve fewer environmental impacts. Option 2 seems to present an opportunity for less land consumption and potentially less secondary development, as well as for using brownfields for highway development. However, a conversation with the Mn/DOT District 6 Project Manager, Richard Augustine, revealed that Option 4 could be more desirable to the city of Claremont for reducing potential sprawl. Please discuss in more depth and clarify which bypass option would minimize potential sprawl and why.

Fostering economic growth along the corridor is given as part of the purpose and need of this project. We encourage the cities in the project area to follow the examples of other progressive cities and use smart growth techniques and innovative best management practices for stormwater, such as those listed on the NEPA Stormwater Green Sheet we provided to FHWA with our January 24, 2008 correspondence. We also encourage the cities to require all or some of the Leadership for Efficiency and Environmental Design (LEED) certification benchmarks for building projects. The town of Greensburg, Kansas is a recent example of a community passing a local regulation that requires some LEED certification benchmarks for building projects (Greenwire 1/3/08).

EPA would welcome the opportunity to provide information to the cities in the project area. We encourage FHWA and Mn/DOT to distribute copies of the NEPA Stormwater Green Sheet to the project cities. EPA encourages the cities to contact us if they would like further information on these topics.

Noise

From table 25, page 77 of the DEIS, the noise model predicts that Alternative 3 noise receptors less than 300 feet distance from the road will experience a noise level at 85.3 dBA. FHWA's noise regulations (23CFR Section 772.13(d)) state that the State DOT may propose, and the FHWA may approve, abatement measures for other situations on a case-by-case basis where: severe traffic noise impacts exist or are expected, and normal abatement measures are physically infeasible or economically unreasonable. What is Minnesota's decibel threshold (dBA) for seeking approval from FHWA for these cases? For example, many states use the threshold of 75 dBA before considering sound insulation for a residence.

For this project, the MINNOISE model was used for the noise analysis rather than the Traffic Noise Model (TNM 2.5). The DEIS should explain why MINNOISE was used and how the two models differ.

As stated in the DEIS, the FEIS will include a mitigation analysis based upon the preferred alternative's noise impacts and will include an assessment of noise abatement, feasibility, and cost-effectiveness, which will determine if noise abatement will be proposed.

Tree Mitigation

Page 97 of the document states that, "...additional clearing of these forested areas are not anticipated under Alternatives 2 or 3." Page 99 states, "Alternative 3 has a greater potential for impacting wildlife vegetation (woodlands, prairie remnants)...". Then again, on page 110, "The clearing of trees and other vegetation will occur with the development of either Alternative 2 or Alternative 3." Please clarify if tree losses are expected and give an acreage estimate of tree losses for each alternative. Reiterating from our Scoping Document/Draft Decision document comment letter of Dec. 14, 2006, if there are tree losses, we suggest voluntary mitigation at a ratio of 1:1. We generally recommended native saplings be used, if practicable, and the trees should be placed in an area close to the project site. Instead of burning or disposing of removed trees in a landfill, they should be placed in woodland areas to help create and mitigate the loss of wildlife habitat. Vegetation that cannot be reused elsewhere should be mulched and given to citizens or reused during revegetation at construction sites.

Wetlands

Thanks for providing the breakdown of wetland impacts by type for each alternative. The FEIS should contain wetland delineation results and more detailed mitigation commitments for the preferred alternative.